

**Notice of Allowability**

Application No.

10/040,253

Examiner

Haissa Philogene

Applicant(s)

MUELLER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/20/04.
2. ☒ The allowed claim(s) is/are 2-13 and 15-51 now numbered 1-49.
3. ☒ The drawings filed on 22 July 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/9/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Haissa Philogene  
Primary Examiner  
A.U. 2821

*Haissa Philogene*

**DETAILED ACTION*****Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose an apparatus having, inter alia, at least one microprocessor-based controller coupled to at least one light source to control radiation output by the at least one light source to illuminate a liquid (claims 24, 22, 23); at least one controller coupled to at least one light source to control radiation output by the at least one light source to illuminate a liquid wherein the at least one controller is adapted to execute at least one illumination program (claim 25); at least one other independently addressable controller coupled to at least one other independently controllable light source and the first independently addressable controller (claim 26); at least one controller coupled to the at least one light source to control at least one other device associated with the pool or spa based on the variable color radiation (claim 34); a method for illuminating a liquid comprising the step of illuminating the liquid with radiation output by at least one or two differently colored microprocessor-controlled LEDs (claims 27, 28); a method for illuminating a liquid comprising the step of illuminating the liquid with radiation output by at least one or two independently controllable microprocessor-controlled light sources (claims 29, 30); a method for illuminating a liquid comprising the step of illuminating the liquid with substantially unguided radiation output by at least one microprocessor-controlled light source (claim 31); a method for illuminating a liquid comprising the step of executing at least one illumination program to control substantially unguided radiation output by at least one microprocessor-controlled light source that illuminates the liquid

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(claim 32); a method for illuminating a liquid comprising the step of illuminating the liquid with radiation output by at least two independently addressable light sources coupled together to form a networked light system (claim 33); a method comprising at least the step of controlling at least one device associated with the pool or spa based on the variable color radiation (claim 38); a method comprising the step of including a third amount of red in the at least one liquid hue, said third amount of red being greater than the first amount of red included in the at least one hue (claim 42); a method comprising the step of omitting a red color from the at least one dynamic variable color illumination effect (claim 43). The remaining claims 2-13, 15-21, 35-37, 39-41 and 44-~~50~~<sup>51</sup> are allowed by virtue of their dependencies on the independent claims. Hence, the examiner has allowed claims 2-13 and 15-~~50~~<sup>51</sup>.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (571) 272-1827. The examiner can normally be reached on 6:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571)272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hp

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